

On December 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30025. Adulteration and misbranding of camphorated oil and Laxative Head Cold Tablets and misbranding of Hygienic Mouth Wash and Vapor Balm. U. S. v. Mother Hubbard Products Co., Inc., Milton M. Baldock, and Richard H. Lingott. Pleas of guilty. Fine, \$200. (F. & D. No. 42598. Sample Nos. 21923-D, 21924-D, 21926-D, 21927-D.)

This case involved mouthwash which contained undeclared alcohol and which bore on its label false and fraudulent curative and therapeutic claims; camphorated oil which differed from the standard prescribed by the United States Pharmacopoeia and which bore on its label false and fraudulent curative and therapeutic claims; cold tablets which contained less acetanilid than declared and which were falsely represented to be harmless; and Vapor Balm the labeling of which bore false and fraudulent therapeutic and curative claims.

On November 4, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mother Hubbard Products Co., Inc., Chicago, Ill., and Milton M. Baldock, and Richard H. Lingott, alleging shipment by said defendants in violation of the Food and Drugs act as amended, on or about April 18, 1938, from the State of Illinois into the State of Indiana, of quantities of the hereinafter-described drug products which were misbranded and portions of which also were adulterated.

Certain of the products were labeled: "Hygienic Mouth Wash and Throat Gargle [or "Mother Hubbard Camphorated Oil" or "Mother Hubbard Remedies Laxative Head-Cold Tablets"] * * * Mother Hubbard Products Co." One product was labeled: "Vapor Balm * * * Manufactured by G. A. Goodrich Co., Chicago."

Analysis showed that the mouthwash consisted essentially of zinc chloride, glycerin, alcohol (2.7 percent by volume), and water flavored with oil of cinnamon; that the camphorated oil contained less than 19 percent of camphor, namely, not more than 10.6 percent of camphor; that the Vapor Balm consisted essentially of volatile oils including menthol and methyl salicylate incorporated in a petrolatum base; and that the cold tablets contained less than 2 grains, namely, not more than 0.913 grain of acetanilid per tablet.

The mouthwash was alleged to be misbranded in that it contained 2.7 percent of alcohol by volume and its package, namely, the bottle, failed to bear a statement on the label of the quantity or proportion of alcohol contained in it. It was alleged to be misbranded further in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of bad breath, sore throat, tonsillitis, tender gums, hoarseness, bad-teeth odors, mouth sores, and pyorrhea.

The camphorated oil was alleged to be adulterated in that it was sold under a name, camphorated oil, a synonym of a name recognized in the United States Pharmacopoeia, namely, camphor liniment; that the standard of strength, quality, and purity of camphor liniment as determined by the tests laid down by the pharmacopoeia required that the article contain in each 100 grams not less than 19 percent of camphor; whereas the article contained not more than 10.6 percent of camphor, and its own standard of strength, quality, and purity was not stated on the label. It was alleged to be misbranded in that certain statements on the bottle label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for croup and asthma.

The cold tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that they were labeled "Each tablet contains 2 grains acetanilid"; whereas each tablet contained not more than 0.9 grain of acetanilid. They were alleged to be misbranded in that the statements, "Each tablet contains 2 grains acetanilid * * * They do not contain harmful habit-forming drugs," were false and misleading since each tablet contained not more than 0.9 grain of acetanilid and the article contained a harmful habit-forming drug, namely, acetanilid.

The Vapor Balm was alleged to be misbranded in that certain statements on the jar label and in the circular shipped therewith, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective when used as a liniment or dressing for bruises, swellings, headaches, severe muscular pain, or a chronic condition of irritation; effective to cause

easier breathing thereby inducing sleep and helping to prevent night coughs; effective in the treatment of throat irritations, chest colds, raw air passages, dry hacking cough conditions, indicated by mucus or phlegm, and hoarse coughs; effective to prevent coughing if rubbed thoroughly on the throat and chest; and to cure tightness or muscular soreness; effective in the treatment of rheumatism, chest colds and congestion; and that it was effective to prevent, allay, and cure pain.

On December 27, 1938, pleas of guilty having been entered, the court imposed a fine of \$200, which was levied jointly against the defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30026. Misbranding of Strasphene. U. S. v. 23 Bottles of Strasphene. Default decree of condemnation and destruction. (F. & D. No. 44138. Sample No. 28155-D.)

The quantity or proportion of acetophenetidin contained in this product was not declared on the label.

On October 14, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bottles of Strasphene at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about June 24, 1938, by the Emdee Research Laboratories from Oakland, Calif.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the package failed to bear on its label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained in the article, since no declaration was made of the acetophenetidin present.

On December 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30027. Adulteration and misbranding of sandalwood oil. U. S. v. Nine Bottles of "Oil Sandalwood—U. S. P." Decree of condemnation, forfeiture, and destruction. (F. & D. No. 43051. Sample No. 15925-D.)

This product was labeled to indicate that it was oil of santal, a product recognized in the United States Pharmacopoeia, but it did not have the characteristic odor of oil of santal and it contained a terpeneol.

On July 12, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of sandalwood oil at Oklahoma City, Okla.; alleging that the articles had been shipped in interstate commerce on or about April 19, 1938, by Magnus, Mabee & Reynard from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard and quality under which it was sold, namely, "Oil Sandalwood—U. S. P. East Indian," since it was not the volatile oil distilled with steam from the dried heartwood of *Santalum album* Linné, as specified in the United States Pharmacopoeia.

Misbranding was alleged in that the statement "Oil Sandalwood—U. S. P. East Indian" was false and misleading and tended to deceive and mislead purchasers since they were led to believe that the article was oil of santal, a product recognized in the United States Pharmacopoeia; whereas it was not oil of santal but contained terpeneol.

On September 6, 1938, Magnus, Mabee & Reynard, having filed an answer admitting the material allegations of the libel, judgment of condemnation was entered with provision for release of the goods under bond for relabeling. On October 18, 1938, the claimant having petitioned that a decree be entered directing the destruction of the product, the decree of September 6 was ordered vacated and the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30028. Adulteration of nitrous oxide. U. S. v. 10 Cylinders of Nitrous Oxide. Default decree of condemnation and destruction. (F. & D. Nos. 43951, 43952, 43953. Sample Nos. 33244-D, 33245-D, 33246-D.)

This product differed from the requirements of the United States Pharmacopoeia for nitrous oxide, in that it contained gas or gases other than nitrous oxide in excess of the tolerance permitted in the pharmacopoeia.